

☐ **Check if this is an amended return.**
Attach supporting documents.

2009 MICHIGAN Business Tax Simplified Return

Issued under authority of Public Act 36 of 2007.

This form may be used instead of the standard Form 4567, Michigan Business Tax Annual Return, if all of the following conditions apply:

- Gross receipts do not exceed \$19,000,000.
- Adjusted business income does not exceed \$1,329,900.
- Filer is not apportioning business activity.
- Filer is not a member of a Unitary Business Group filing a combined return.
- Filer is not required to recapture credits or deductions.
- Filer is not claiming credits on Form 4584.
- No partner has distributive income of more than \$160,000. Partnerships must attach Form 4578.
- No individual, shareholder or officer has allocated income of more than \$160,000. Corporations must attach Form 4577.

				MM-DD-YYYY				MM-DD-YYYY			
1. Return is for calendar year 2009 or for tax year beginning:										and ending:	
2. Name (print or type)						7. Federal Employer Identification Number (FEIN) or TR Number					
Doing Business As (DBA)						8. Organization Type (LLC or Trust, see instructions)					
Street Address						<input type="checkbox"/> Individual <input type="checkbox"/> C Corporation / LLC C Corporation					
City			State		ZIP/Postal Code		Country Code		<input type="checkbox"/> Fiduciary <input type="checkbox"/> S Corporation / LLC S Corporation		
3. Principal Business Activity						4. Business Start Date					
5. NAICS (North American Industry Classification System) Code						6. If Discontinued, Effective Date					

PART 1: CALCULATION OF TAX

9. Gross Receipts (see instructions).....	9.		00
10. Business Income (see instructions).....	10.		00
11. Capital loss and/or carryover or carryback of federal net operating loss. Enter as a positive number	11.		00
12. Compensation and director fees of active shareholders from Form 4577, line 3	12.		00
13. Compensation and director fees of officers from Form 4577, line 4.....	13.		00
14. Adjusted Business Income. Add lines 10 through 13.....	14.		00
15. Tax Before All Other Credits. Multiply line 14 by 1.8% (0.018). If less than zero, enter zero. If gross receipts are greater than \$700,000, skip lines 16 through 20 and enter the amount from line 15 on line 21	15.		00
16. Threshold Ceiling.....	16.	700,000	00
17. Gross Receipts from line 9. If less than 12 months, enter the annualized amount	17.		00
18. Excess Gross Receipts. Subtract line 17 from line 16.....	18.		00
19. Gross Receipts Filing Threshold Credit Percentage. Divide line 18 by 350,000	19.		%
20. Gross Receipts Filing Threshold Credit. Multiply line 15 by line 19.....	20.		00
21. Tax After Gross Receipts Filing Threshold Credit. Subtract line 20 from line 15.....	21.		00

PART 2: PAYMENTS AND REFUNDABLE CREDITS

22.	Overpayment credited from prior MBT return.....	22.		00
23.	Estimated tax payments	23.		00
24.	Tax paid with request for extension	24.		00
25.	Refundable credits from Form 4574, line 25	25.		00
26.	Total. Add lines 22 through 25. (If not amending, then skip to line 28.).....	26.		00
27.	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> AMENDED RETURN ONLY </div> a. Payment made with the original return	27a.		00
		27b.		00
		27c.		00

PART 3: TAX DUE/OVERPAYMENT

28.	TAX DUE. Subtract line 26 (or line 27c, if amending) from line 21. If less than zero, leave blank.....	28.		00
29.	Underpaid estimate penalty and interest from Form 4582, line 38.....	29.		00
30.	Annual return penalty (a) <input type="text"/> % = (b) <input type="text"/> 00 plus interest of (c) <input type="text"/> 00. Total.....	30d.		00
31.	PAYMENT DUE. If line 28 is blank, go to line 32. Otherwise, add lines 28, 29 and 30d and enter here	31.		00
32.	Overpayment. Subtract lines 21, 29 and 30d from line 26 (or line 27c, if amending). If less than zero, leave blank (see instructions).....	32.		00
33.	CREDIT FORWARD. Amount of overpayment on line 32 to be credited forward	33.		00
34.	REFUND. Amount of overpayment on line 32 to be refunded.....	34.		00

Taxpayer Certification. I declare under penalty of perjury that the information in this return and attachments is true and complete to the best of my knowledge.		Preparer Certification. I declare under penalty of perjury that this return is based on all information of which I have any knowledge.	
<input type="checkbox"/> By checking this box, I authorize Treasury to discuss my return with my preparer.		Preparer's PTIN, FEIN or SSN <input type="text"/>	
Authorized Signature for Tax Matters 		Preparer's Business Name (print or type) <input type="text"/>	
Authorized Signer's Name (print or type)	Date	Preparer's Business Address and Telephone Number (print or type)	
Title	Telephone Number		

Return is due April 30 or on or before the last day of the 4th month after the close of the tax year.

WITHOUT PAYMENT: Mail return to:

Michigan Department of Treasury
P.O. Box 30783
Lansing, MI 48909

WITH PAYMENT: Pay amount on line 31 and mail check and return to:

Michigan Department of Treasury
P.O. Box 30113
Lansing, MI 48909

Make check payable to "State of Michigan."
Print taxpayer's FEIN or TR Number, the taxpayer's name, and "MBT" on the front of the check. Do not staple the check to the return.

Instructions for Form 4583

Michigan Business Tax (MBT) Simplified Return

Purpose

This form allows qualifying standard taxpayers to claim the Small Business Alternative Credit and to file and pay the MBT due without computing the Business Income Tax or Modified Gross Receipts Tax imposed under Sections 201 and 203 of the MBT Act. Qualified taxpayers may also use this form to claim the Gross Receipts Filing Threshold Credit and any refundable credits for which they are eligible.

NOTE: The *MBT Election of Refund or Carryforward of Credits* (Form 4584) cannot be used in conjunction with this form.

Eligibility

Standard taxpayers (all taxpayers who are not financial institutions or insurance companies) are eligible to use this form if all of the following conditions apply:

- Gross receipts do not exceed \$19,000,000.
- Adjusted business income does not exceed \$1,329,900.
- Adjusted business income does not exceed \$160,000 for Individuals or Fiduciaries.
- Filer is not a member of a Unitary Business Group (UBG) filing a combined return.
- Filer does not have to complete the *MBT Schedule of Recapture of Certain Business Tax Credits and Deductions* (Form 4587).
- Filer is not apportioning business activity.
- No partner has distributive income of more than \$160,000. Partnerships must attach the *MBT Schedule of Partners* (Form 4578).
- No individual, shareholder or officer has allocated income over \$160,000. Corporations must attach the *MBT Schedule of Shareholders and Officers* (Form 4577). (Does not apply to Individuals and Fiduciaries filing as Individuals.)

NOTE: Taxpayers leasing employees from professional employer organizations must include the compensation of officers (of the operating company) and shareholders who receive compensation in determining the eligibility for Small Business Alternative Credit even though their compensation is paid by the professional employer organization.

NOTE: A member of a Limited Liability Company (LLC) is characterized for MBT purposes as a partner, shareholder, or owner based on the federal tax classification of the LLC. An LLC taxed as a Partnership for federal purposes must file as a Partnership for MBT. Similarly, an LLC taxed as a C Corporation or S Corporation for federal purposes must file under that same status for MBT.

Corporations: Allocated income for a C Corporation is either:

- a) Shareholder or officer compensation and director fees from Form 4577, column L, or
- b) Shareholder or officer compensation, director fees, and share of business income or loss from Form 4577, column N.

If either (a) or (b) is greater than \$160,000, the Corporation is not eligible to file this form.

Allocated income for an S Corporation is shareholder compensation, director fees, and share of business income or loss from Form 4577, column N.

Even if eligible to file this form, a taxpayer may pay a lower tax by filing the *MBT Annual Return* (Form 4567) and taking the Small Business Alternative Credit using the *MBT Common Credits for Small Businesses* (Form 4571). This is especially true if any of the following applies:

- An MBT business loss carryforward exists, or
- A nonrefundable or hybrid (Form 4584) credit may be claimed.

Tax Period Less Than 12 Months: If a business operates less than 12 months, annualize gross receipts, business income, and all shareholders, officers, and partners' income to determine the eligibility for a Small Business Alternative Credit. Do not use annualized numbers on the return, unless requested; use them only to determine filing requirements and qualifications for credits.

Line-by-Line Instructions

Lines not listed are explained on the form.

Dates must be entered in MM-DD-YYYY format.

See page 14 for periods less than 12 months.

Amended Returns: Check the box (upper-right corner, page 1) if this is an amended return, and attach a separate sheet explaining the reason for the changes. Attach any supporting documents including an amended federal return or a signed and dated Internal Revenue Service (IRS) audit document.

Refund Only: For taxpayers with allocated gross receipts less than \$350,000, who are otherwise eligible to use this form and are filing this form to claim a refund of estimates paid, skip lines 10 through 21 and lines 28 through 31.

Line 1: If not a calendar year taxpayer, enter the beginning and ending dates that correspond to the taxable period reported to the IRS.

Tax year means the calendar year, or the fiscal year ending during the calendar year, upon the basis of which the tax base of a taxpayer is computed. If a return is made for a part of a year, tax year means the period for which the return is made. Generally, a taxpayer's tax year is for the same period as is covered by its federal income tax return. A taxpayer that has a 52- or 53-week tax year beginning not more than seven days before December 31 of any year is considered to have a tax year beginning after December of that year.

Example 1: A taxpayer with a federal tax year beginning on Monday, December 29, 2008, will be treated as follows:

- 2008 tax year end of December 31, 2008.
- Due date of April 30, 2009.
- 2009 tax year beginning January 1, 2009.

Example 2: A taxpayer with a federal tax year ending on Sunday, January 3, 2010, will be treated as follows:

- 2009 tax year end of December 31, 2009.
- Due date of April 30, 2010.
- 2010 tax year beginning on January 1, 2010.

Example 3: A 52- or 53-week year closing near the end of January is common in the retail industry. Such a taxpayer will be treated as follows:

- 2008-09 fiscal year end will be January 31, 2009.
- Due date will be May 31, 2009.
- 2009-10 fiscal year will begin on February 1, 2009.

Line 2: Country Code. If other than the United States, enter a two-digit abbreviation for a state or province and the Zip or postal code, as appropriate, and the country code. See the list of country codes on page 153.

Correspondence regarding this return will be sent to the address used here. The taxpayer's legal address in Department of Treasury files will not change unless the taxpayer files a *Notice of Change or Discontinuance* (Form 163).

Line 3: Enter a brief description of business activity (for example, forestry, fisheries, mining, construction, manufacturing, transportation, communication, electric, gas, sanitary services, wholesale trade, retail trade, finance, or services, etc.).

Line 4: Enter the start date of first business activity in Michigan.

Line 5: Enter the entity's six-digit North American Industry Classification System (NAICS) code. For a complete list of six-digit NAICS codes, see the U.S. Census Bureau Web site at www.census.gov/eos/www/naics/, or enter the same NAICS code used when filing the entity's U.S. Form 1120, *Schedule K*, U.S. Form 1120S, U.S. Form 1065 or U.S. Form 1040, *Schedule C*.

Line 6: Enter the date, if applicable, on which taxpayer went out of existence. To complete the discontinuance for Michigan taxes, file a *Notice of Change or Discontinuance* (Form 163), which is available on the Department of Treasury Web site at www.michigan.gov/treasuryforms. If the taxpayer is still subject to another tax administered by the Department, do not use this line.

Line 7: Use the taxpayer's Federal Employer Identification Number (FEIN) or the Michigan Treasury (TR) assigned number. Be sure to use the same account number on all forms.

If the taxpayer does not have an FEIN or TR number, the taxpayer **MUST** register before filing this form. Taxpayers are encouraged to register online at www.michigan.gov/business taxes. The Web site provides information on obtaining an FEIN, which is required to submit taxes through e-file. Taxpayers usually can obtain an FEIN from the IRS within 48 hours. Taxpayers registering with the State online usually receive an account number within seven days.

Returns received without a registered account number will not be processed until such time as a number is provided.

Line 8: Check the box that describes the organization type. A Trust or LLC should check the appropriate box based on its federal return.

Part 1: Calculation of Tax

Line 9: Gross receipts means the entire amount received by the taxpayer, as determined by using the taxpayer's method of accounting for federal income tax purposes, from any activity, whether in intrastate, interstate, or foreign commerce, carried out for direct or indirect gain, benefit, or advantage to the taxpayer or to others, with certain exceptions. Calculation of gross receipts also involves a phased-in deduction (60 percent in the 2009 and 2010 tax years) of any amount deducted as bad debt for federal income tax purposes that corresponds to items of gross receipts included in the modified gross receipts tax base for the current tax year or a past tax year. This partial reduction is reflected in the *Gross Receipts Worksheet* (Worksheet 4700) discussed below. Receipts include, but are not limited to:

- Receipts (sales proceeds) from the sale of assets used in a business activity
- Sale of products
- Services performed
- Gratuities stipulated on a bill
- Sales tax collected on the sale of tangible personal property, subject to a phase-out schedule
- Dividend and interest income
- Gross commissions earned
- Rents
- Royalties
- Professional services
- Sales of scrap and other similar items
- Client reimbursed expenses not obtained in an agency capacity
- Gross proceeds from intercompany sales.

Use Worksheet 4700 on page 143 to calculate gross receipts. Attach this worksheet to the return. Gross receipts are not necessarily derived from the federal return, however, this worksheet will calculate gross receipts as defined by law in most instances. Taxpayers and tax professionals are expected to be familiar with uncommon situations within their experience, which produce gross receipts not identified by specific lines on this form, and report that amount on the most appropriate line. The Department may adjust the figure resulting from this worksheet to account properly for such uncommon situations.

NOTE: Health Maintenance Organizations (HMOs) holding contract with the State of Michigan for Medicaid services, per MCL 208.1111(1) dd, should complete line 71 of Worksheet 4700 only if applicable, otherwise the exclusion will be disallowed.

A taxpayer should compute its gross receipts using the same accounting method used in the computation of its net income for federal income tax purposes.

Line 10: *Business income* means that part of federal taxable income derived from business activity. For MBT purposes, *federal taxable income* means taxable income as defined in Internal Revenue Code (IRC) § 63, except that federal taxable income shall be calculated as if IRC § 168(k) [as applied to qualified property placed in service after December 31, 2007] and IRC § 199 were not in effect. For a Partnership or S Corporation

(or LLC federally taxed as such), business income includes payments and items of income and expense that are attributable to business activity of the Partnership or S Corporation and separately reported to the partners or shareholders.

Use the *Business Income Worksheet* (Worksheet 4746) on page 149 to calculate business income. Attach this worksheet to the return. This worksheet will calculate business income as defined by law in most circumstances. Taxpayers and tax professionals are expected to be familiar with uncommon situations within their experience, which produce business income not identified by specific lines on this worksheet, and report that amount on the most appropriate line. The Department may adjust the figure resulting from this worksheet to account properly for such uncommon situations.

For an organization that is a mutual or cooperative electric company exempt under IRC § 501(c)(12), business income equals the organization’s excess or deficiency of revenues over expenses as reported to the federal government, less capital credits paid to members of that organization, less income attributed to equity in another organization’s net income, and less income resulting from a charge approved by a state or federal regulatory agency that is restricted for a specified purpose and refundable if it is not used for the specified purpose.

For a tax-exempt person, *business income* means only that part of federal taxable income (as defined for MBT purposes) derived from unrelated business activity.

For an Individual or an Estate, or for a Partnership or Trust organized exclusively for estate or gift planning purposes, business income is that part of federal taxable income (as defined for MBT purposes) derived from transactions, activities, and sources in the regular course of the taxpayer’s trade or business, including the following:

- All income from tangible and intangible property if the acquisition, rental, management, or disposition of the property constitutes integral parts of the taxpayer’s regular trade or business operations.
- Gains or losses incurred in the taxpayer’s trade or business from stock and securities of any foreign or domestic Corporation and dividend and interest income.
- Income derived from isolated sales, leases, assignment, licenses, divisions, or other infrequently occurring dispositions, transfers, or transactions involving property if the property is or was used in the taxpayer’s trade or business operation.
- Income derived from the sale of a business.

NOTE: Personal investment income, gains from the sale of property held for personal use and enjoyment or other assets not used in a trade or business, and any other income not specifically derived from a trade or business that is earned, received, or otherwise acquired by an Individual, an Estate, or a Trust or Partnership organized or established exclusively for estate or gift planning purposes, are not included in the Business Income Tax base. This exclusion only applies to the specific types of taxpayers identified above. Investment income and any other types of income earned or received by all other types of persons or taxpayers not specifically referenced must be included in the business income of the taxpayer.

Line 11: Enter all capital losses that were used federally to offset capital gain. This is not the net figure found on the *Schedule D* lines identified below, but rather the amount of capital losses that were used in reaching the net figure on those federal return lines. If filing U.S. Form *1040* or *1041*, include the capital loss amount that the Individual or Fiduciary was able to use against the capital gain and the capital loss amount that the Individual or Fiduciary was permitted to deduct from ordinary income (\$3,000 or less). Use both long-term and short-term capital losses here.

Identify the capital losses used in calculating the net figure using “Net short-term capital gain or (loss)” and “Net long-term capital gain or (loss)” from Schedule D of federal Forms *1040*, *1041*, *1065*, *1120* and *1120S*, as applicable.

Also include on this line the net operating loss carryback or carryover from the federal schedule that was included in the business income reported on line 10. Report each of these figures as a positive number.

Line 17: Enter amount from line 9. If less than 12 months, enter the annualized amount.

Part 2: Payments and Refundable Credits

Line 23: Enter the total tax paid with the *MBT Quarterly Tax Return* (Form 4548), or the estimated MBT paid with the *Combined Return for Michigan Taxes* (Form 160), or the amount paid through Electronic Funds Transfer. Include all payments made on returns that apply to the current tax year. For example, calendar-year filers include money paid with the combined returns for return periods January through December.

Amended Returns Only:

Line 27a: Enter payment made with original return.

Line 27b: Enter overpayment received (refund received plus credit forward created) on the original return.

Line 27c: Add lines 26 and 27a and subtract line 27b from the sum.

Part 3: Tax Due / Overpayment

Line 29: If penalty and interest are owed for not filing estimated returns or for underestimating a tax, complete the *MBT Penalty and Interest Computation for Underpaid Estimated Tax* (Form 4582) on page 111 to compute penalty and interest due. If a taxpayer prefers not to file this form, the Department will compute the penalty and interest and bill for payment.

Line 30: Enter the annual return penalty rate in line 30a. Add the overdue tax penalty in line 30b to the overdue tax interest in line 30c. Enter total in line 30d.

Refer to “Computing Penalty and Interest” on page 15 to determine the annual return penalty rate and use the Overdue Tax Penalty and Overdue Tax Interest worksheets below.

WORKSHEET – OVERDUE TAX PENALTY		
A. Tax due from Form 4583, line 28		00
B. Late/extension or insufficient payment penalty percentage.....		%
C. Multiply line A by line B.....		00
Carry amount from line C to Form 4583, line 30b.		

WORKSHEET – OVERDUE TAX INTEREST

A. Tax due from Form 4583, line 28		00
B. Applicable daily interest percentage ..		%
C. Number of days return was past due ...		
D. Multiply line B by line C		%
E. Multiply line A by line D		00

Carry amount from line E to Form 4583 line 30c.

Line 30c: NOTE: If the late period spans more than one interest rate period, divide the late period into the number of days in each of the interest rate periods identified under “Computing Penalty and Interest” on page 15 and apply the calculations in the Overdue Tax Interest worksheet separately to each portion of the late period. Combine these interest subtotals and carry the total to Form 4583, line 30c.

Line 32: If the amount of overpayment, less any penalty and interest due on lines 29 and 30d, is less than zero, enter the difference (as a positive number) on line 31. If the amount is greater than zero, enter on line 32.

Line 33: If the taxpayer anticipates an MBT liability in the filing period subsequent to this return, some or all of any overpayment from line 32 may be credited forward to the next period. Enter the desired credit forward amount here.

Reminder: Taxpayers must sign and date returns. Tax preparers must provide a Preparer Taxpayer Identification Number (PTIN), FEIN or Social Security number (SSN), a business name, and a business address and phone number.

Attachments

Federal Forms: Attach copies of these forms to the return.

- **C Corporations:** U.S. Form *1120* (pages 1 through 4), *Schedule D*, Form *851*, Form *4562*, and Form *4797*. If filing as part of a consolidated federal return, attach a pro forma or consolidated schedule.
- **S Corporations:** U.S. Form *1120-S* (pages 1 through 4)*, *Schedule D*, Form *851*, Form *4562*, Form *4797*, Form *8825*.
- **Individuals:** U.S. Form *1040* (pages 1 and 2), *Schedules C, C-EZ, D, E*, and Form *4797*.
- **Fiduciaries:** U.S. Form *1041* (pages 1 through 4), *Schedule D*, and Form *4797*.
- **Partnerships:** U.S. Form *1065* (pages 1 through 5)*, *Schedule D*, Form *4797*, and Form *8825*.
- **Limited Liability Companies:** Attach appropriate schedules shown above based on federal return filed.

* Do not send copies of K-1s. The Department will request them if necessary.